



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,345	07/31/2003	Luciano Salice	22643	1924
535	7590	06/16/2004	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900				WILKENS, JANET MARIE
ART UNIT		PAPER NUMBER		
				3637

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/631,345	SALICE, LUCIANO
	Examiner	Art Unit
	Janet M. Wilkens	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/853,861.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/20/02 & 1/28/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

Priority

The first sentence of the specification needs to be updated to include the patent number of the parent application.

Claim Objections

Claim 6 is objected to because of the following informalities: in line 2, “device” should be inserted after “decelerator” and in line 5, “container (51)” should be “container (6)”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 1, it is unclear what is the scope of the invention. The preamble of the claim is directed to only the closing device (the sliding portions of the furniture appearing in intended use/“for” statements); however, the body of claim is directed to the combination of the device with the portions (e.g. “container fastened to a fixed or sliding portion of the article of furniture”). For claim 2, it is unclear whether or not the “a guide” is the same guide claimed previously (note: the container of the closure device is the feature that includes the guide). For claim 3, it is unclear whether or not the “a container” is the same container claimed previously. For claim 4, it is unclear

whether or not the “a groove” is the same groove claimed previously and it is unclear whether or not the “a container” is the same container claimed previously. For claim 5, it is unclear what is the scope of the invention. The preamble of the claim is directed to only the closing device (the extractable portions of furniture appearing in intended use/“for” statements); however, the body of claim is directed to the combination of the device with the portions (e.g. “container fastened to one of the fixed or mobile portions of the guides”). Also for claim 5, “the body...” lacks antecedent basis and stating that the oil deceleration device is of a “known type” is indefinite (many types are known in the art so it is unclear which are included here).

Allowable Subject Matter

Claims 1 and 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. (The allowable subject matter for claim 1 being the closing device for a drawer guide assembly comprised of a container, a mechanical energy accumulator received in the container, an actuation member slidably in a guide of the container, a pulling member interacting with the actuation member, a second container with a piston or propeller, a high viscosity grease received in the second container and adapted to slow the movement of the actuation member, and a contrast member directly or indirectly connected to the pulling member which stresses the piston/propeller. The allowable subject matter for claim 5 being the closing device for a drawer guide assembly comprised of a container, a

Art Unit: 3637

mechanical energy accumulator received in the container, an actuation member slidable in a guide of the container, a pulling member interacting with/stressed in the closing direction by the actuation member, an oil deceleration device on a side projecting part of the container, and a contrast member directly connected to the pulling member.)

Claims 2-4, 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
June 9, 2004

J.M.W.
JANET M. WILKENS
PRIMARY EXAMINER
AHU A3637